

ASSEMBLY BILL

No. 1870

**Introduced by Assembly Member Lieber
(Principal coauthor: Assembly Member Montanez)
(Coauthors: Assembly Members Hancock, Shirley Horton, and
Jones)**

January 18, 2006

An act to add Section 44012.1 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1870, as introduced, Lieber. Air pollution: motor vehicle inspection and maintenance.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The duty of enforcing and administering the program is vested in the Chief of the Bureau of Automotive Repair within the department. Existing law prohibits the operation of a motor vehicle in a manner that results in the escape of excessive smoke, flame, gas, oil, or fuel residue.

This bill would require the Department of Consumer Affairs to incorporate a visible-smoke test into the motor vehicle inspection program so that the emanation of visible smoke from a motor vehicle's tailpipe or crankcase during an inspection would result in a failure of the test. The bill would except steam resulting from condensation from being considered visible smoke for purposes of this bill. The bill would authorize a motor vehicle owner who disputes the failure of a visible-smoke test to seek resolution of the matter by contacting the state designated referee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44012.1 is added to the Health and
- 2 Safety Code, to read:
- 3 44012.1. The department shall incorporate a visible-smoke
- 4 test into the motor vehicle inspection program by July 1, 2007, to
- 5 ensure that vehicles subject to the program comply with Section
- 6 27153 of the Vehicle Code. Any visible smoke from the tailpipe
- 7 or crankcase of a motor vehicle during an inspection constitutes a
- 8 failure. Steam from condensation by itself shall not lead to an
- 9 inspection failure.
- 10 (b) If an owner of a motor vehicle disputes the failure of a
- 11 smoke test, the owner may seek resolution of the dispute from
- 12 the state designated referee.